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Marketing and  
Regulatory  
Programs

Animal and Plant  
Health Inspection  
Service

Washington, DC  
20250

Subject: Anti Harassment Policy

To: APHIS Managers and Supervisors

This serves as a reminder that it is the policy of the Animal and Plant Health Inspection Service (APHIS) to prohibit harassment of all kinds by anyone in the workplace; this includes supervisors, co-workers, contractors or non employees. Managers, supervisors and employees must report and/or act upon harassment before it becomes severe or pervasive.

Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual, and that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; has the purpose or effect of unreasonably interfering with an individual's work performance; or otherwise adversely affects an individual's employment opportunities. Harassing conduct includes, but is not limited to, epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts, as well as written or graphic material that denigrates or shows hostility or aversion toward an individual or group.


In APHIS, employees seeking relief from harassment based on sex "with or without sexual conduct," race, color, religion, national origin, age, disability, sexual orientation marital or parental status must contact the Civil Rights Enforcement and Compliance (CREC), Alternative Dispute Resolution Center (ADR) at 1-800-372-7231 within 45 days of an incident of alleged harassment. All other allegations of harassment should be reported by employees to their supervisor or manager or directly to the Workplace Violence Prevention & Response Hotline at 1-866-234-3174. All allegations will be investigated.

Any employee, applicant, or service recipient who complains of illegal harassment may do so without fear of retaliation. Acts of retaliation must be reported immediately through the appropriate forums indicated above. Any employee found to have violated APHIS prohibitions on harassment will be subject to disciplinary action.

Enforcement guidance from the Equal Employment Opportunity Commission (EEOC) on employer liability for such acts advises that "*An employer is always liable for harassment by a supervisor on a prohibited basis that culminates in a tangible employment action.*" Tangible employment actions as defined by the EEOC include: hiring and firing; promotion and failure to promote; demotion; undesirable reassignment; a decision causing a significant change in benefits; compensation decisions; and work assignment. EEOC further advises that "in some circumstances, an employer may be subject to vicarious liability for harassment by a supervisor who does not have actual authority over the employee."



Managers must share this policy statement with all supervisors and provide a copy to employees. This policy statement, along with **EEOC Enforcement Guidance, Notice 915.002 Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors** is located on the CREC website at [APHIS.USDA.GOV/OA/CREC](http://APHIS.USDA.GOV/OA/CREC). Training on liability for unlawful harassment will be presented annually. Information on training for this year will be announced separately. All managers are encouraged to participate. Prevention is the best tool for the successful elimination of harassment in the workplace.

  
for Bobby Acord  
Administrator